

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

HARTFORD FIRE INSURANCE)	
COMPANY,)	
)	
Plaintiff,)	
vs.)	No.: 3:21-cv-50280
)	
BERNER FOOD & BEVERAGE, LLC,)	
BERNER FOOD & BEVERAGE, INC.,)	Hon. Lisa A. Jensen
f/k/a BERNER FOODS, INC.,)	
GRASSLAND DAIRY PRODUCTS,)	
INC.)	
)	
Defendants.)	

**MOTION OF PLAINTIFF HARTFORD FIRE INSURANCE COMPANY TO DISMISS
DEFENDANTS BERNER FOOD & BEVERAGE, LLC and BERNER FOOD &
BEVERAGE, INC. PER ATTACHED STIPULATION**

Plaintiff Hartford Fire Insurance Company respectfully moves the Court to dismiss without prejudice defendants Berner Food & Beverage, LLC and Berner Food & Beverage, Inc. (collectively, “Berner”) from this case pursuant to the attached Stipulation in which Berner agrees to be bound by the Court’s judgment in this case as it relates to Plaintiff’s duty or lack of duty to defend or indemnify Grassland Dairy Products, Inc. in the underlying case. Each party is to bear its own fees and costs.

WILSON ELSEER MOSKOWITZ EDELMAN &
DICKER LLP

By: /s/ Michael J. Duffy
Michael J. Duffy, Esq.

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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION**

HARTFORD FIRE INSURANCE)	
COMPANY,)	
)	
Plaintiff,)	
vs.)	No.: 3:21-cv-50280
)	
BERNER FOOD & BEVERAGE, LLC,)	
BERNER FOOD & BEVERAGE, INC.,)	Hon. Lisa A. Jensen
f/k/a BERNER FOODS, INC.,)	
GRASSLAND DAIRY PRODUCTS,)	
INC.)	
)	
Defendants.)	

STIPULATION TO BE BOUND BY FINAL JUDGMENT

Defendants Berner Food & Beverage, Inc. and Berner Food & Beverage, LLC (collectively, “Berner”) hereby stipulate and agree with plaintiff Hartford Fire Insurance Company (“Hartford”) that Berner will be bound by the final judgment rendered in this matter. In stipulating and agreeing to be bound by the judgment herein, Berner understands that Hartford will move to voluntarily dismiss Berner in the above-captioned matter upon execution of this Stipulation.

Hartford Fire Insurance Company

Berner Food & Beverage, Inc. and Berner Food & Beverage, LLC

By: /s/ Michael J. Duffy
Michael J. Duffy

By: Rory T. Dunne
Rory T. Dunne

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Dated: 2/22/22

Dated: 2/22/22

CERTIFICATE OF SERVICE

I hereby certify that on February 22, 2022, I electronically filed the aforesaid document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all parties of record in this case by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

By: Michael J. Duffy
One of the Attorneys for
Hartford Fire Insurance Company